

**Notice of Allowability**

Application No.

10/728,560

Examiner

Zoila E. Cabrera

Applicant(s)

DIGIANFILIPPO ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer filed 11/26/07.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance: The allowability of the claims resides, at least in part, that the prior art of record does not disclose or suggest, alone or in combination the step of:

As for independent claim 1, **scanning a bar code of said installed plurality of source solutions; scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions; comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration; either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid, in combination with the other elements and features of the claimed invention.**

As for independent claims 2, 3, 5, 20 and 21 **a) determining whether said plurality of source solutions conform to a predetermined mounting order on said compounding device; b) at least one of providing an alert to an operator and preventing compounding based on said determining step a), in combination with the other elements and features of the claimed invention.**

As for independent claim 6, **selecting at least one of an infusion ramp-up time and a ramp-down time for dispensing the compounded mixture, in combination with the other elements and features of the claimed invention.**

As for independent claim 11, **determining a state of motion of a plurality of pump elements of said compounding device; generating a first alert signal if any of said plurality of pump elements are in a state of motion that should otherwise be stationary, said alert advising of a defective compounded mixture; and generating a second alert signal if any of said plurality of pump elements are in a stationary state that should otherwise be in motion, in combination with the other elements and features of the claimed invention.**

As for independent claim 16, **advising a user of at least one of maintenance procedures and replacement of component parts of the compounder device; receiving input from said user responsive to said advising step and preventing further processing of said compounded mixture until said input from said user indicates compliance with said advising step, in combination with the other elements and features of the claimed invention.**

As for independent claim 17, **providing the user with an inventory of mixture receptacles for selection; receiving an input from the user for selecting a desired mixture receptacle; comparing said selection with a volume of said desired compounded mixture based on said mixture inputs of step e); and generating an alert to said user if said volume of said desired compounded mixture exceeds a volume of said selected mixture receptacle and preventing further processing until an alternate selection of a mixture receptacle is made that will accommodate said compounded mixture, in combination with the other elements and features of the claimed invention.**

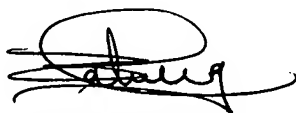
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Zoila Cabrera  
Primary Examiner  
December 10, 2007

  
ZOILA CABRERA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100

12/10/07